



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 27, 2020

Ernst Temperli
Crosswind Heifer Facility
21672 482nd Avenue
Elkton, SD 57026

Re: Revised Phosphorus-Based Nutrient Management Plan (NMP)

Dear Mr. Temperli:

The Department of Environment and Natural Resources (DENR) received a landowner request to remove the fields listed in the following table from your approved phosphorus-based nutrient management plan (NMP). Your existing phosphorus-based NMP is part of your application for coverage under the *2003 General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (general permit). Your animal feeding operation was originally approved on July 30, 1998, and permitted on March 26, 1999, (general permit # SDG-0100009). The permit was transferred to you on June 5, 2017.

Fields Being Removed from NMP					
Field #	County	Legal Description	Available Acres	Soil Sampling Requirements	
				0-2 feet	Additional
3	Brookings	NE ¼, Sec. 11, T109N, R48W	126.1	Yes	Yes
5	Brookings	E ½, Sec. 12, T109N, R48W	264.0	Yes	Yes

We are approving the modifications and are removing *Fields 3 and 5* from your approved phosphorus-based NMP. With the removal of these fields, you still have adequate land available in your NMP to meet the permit requirements. **Please put one copy of the approved field information in Appendix D of your copy of the permit.** You are required to comply with the terms and conditions of your permit.

We have received your permit application for state permit coverage under the 2017 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (2017 general permit) and your application is currently under review. Until permit coverage is issued under the 2017 general permit, you may continue to use your currently approved NMP for the land application of manure and wastewater from your operation in compliance with your coverage under the 2003 general permit. **If you would like the new fields to be included in the permit application for the 2017 general permit, an amended NMP which includes the necessary field information and updated spreadsheets will need to be submitted to the department for review and approval.**

You are also responsible for contacting the local planning and zoning office in the county where manure application will take place to determine if there are any local ordinances or requirements with which you need to comply.

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The land application sites must be located at least 150 feet from a private well owned by you, 250 feet from a private well not owned by you and 1,000 feet from any public supply well or other public drinking water source. These setback distances from identified wells cannot be included as part of the land application acreage. Buffer zones are also required around any natural or manmade drainages or wetlands. Please review the buffer zone requirements on the land application maps included with the nutrient management plan in Appendix D of your permit prior to land applying manure.

To add fields to your approved phosphorus-based NMP, you must submit the required information for each additional field to the department for our review and approval. Information on adding fields to your approved phosphorus-based NMP may be obtained from your local Natural Resources Conservation Service (NRCS) office. You may also contact us for assistance at (605) 773-3351, or visit our website at <http://denr.sd.gov/des/fp/fieldadditions.aspx> for instructions on adding fields. **You may not apply manure to any fields not included in your approved phosphorus-based NMP.**

If manure application will involve placing hoses or other equipment in a state highway right of way (for example, in a road ditch or through a culvert), you must first obtain a Permit to Occupy Right of Way. Application for this permit may be made through the local South Dakota Department of Transportation area office. Contact your local SD DOT area office for more information on this permit. In addition, please contact your county highway superintendent to determine if your county has similar requirements.

One copy of the landowner request to remove these fields is being retained for our files. The attached field list is an updated listing of the fields that are currently approved for manure or wastewater application. The attached map shows the location of each field. Please review this information and notify the department if any of the information is incorrect. If the enclosed field list and map are correct, please place them in your NMP.

If you have any questions regarding the content of this letter, please feel free to contact Spencer Van Overbeke Feedlot Permit Program at (605) 773-3351. Thank you for your cooperation.

Sincerely,



Paul N. Wegleitner
Natural Resources Project Engineer
Feedlot Permit Program

cc: Kevin Banken, Centrol, Brookings, SD
Brookings County Commissioners

Enclosures: Field List
Field Map